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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,558	03/31/2000	Tom Flanagan	1.040US	1986

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 07/30/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/540,558		FLANAGAN, TOM	
	<b>Examiner</b>		<b>Art Unit</b>	
	Joseph E. Avellino		2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-18 are presented for examination.

#### ***Claim Objections***

2. Claim 10 is objected to because of the following informalities:

Page 25, line 25: "lined" should be "linked".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-7, 12-14, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mansbery et al. (USPN 6,121,593) (hereinafter Mansbery).

4. Referring to claim 1, Mansbery discloses a system for proxy browsing the Internet, comprising:

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a first computer (remote computer) linked to the Internet (Figure 2, reference character 50);

a Proxy Browser Internet interface program (Figure 2, reference character 45);

at least one second client computer or electronic appliance linked to the Internet (Figure 2, reference character 200);

wherein said first computer (remote computer) linked to the Internet contains said Proxy Browser program (col. 3, lines 64-67), said Proxy Browser sends a command through the Internet that directs an Internet server to interact with said second client computer or electronic appliance linked to the Internet (col. 9, lines 27-45; Figure 9), whereby said Proxy Browser directs at least one digital file selected by said Proxy Browser to download to said second client computer or electronic appliance using said second client's Internet name or URL number (col. 6, lines 42-52), said digital file executing on said client appliance (col. 3, lines 1-8).

5. Referring to claim 2, Mansbery discloses that said first computer linked to the Internet can be a personal computer (col. 4, lines 32-45).

6. Referring to claims 4 and 5, Mansbery discloses configuration data for said Proxy Browser containing Internet address information and operating status data for said at least one second client computer or electronic device linked to the Internet which is stored on a separate file stored on an Internet server (home server) (col. 4, line 32 to col. 5, line 27).

7. Referring to claim 6, Mansbery discloses that one of said second client electronic device is a home electronic appliance (Figure 2, reference character 200).

8. Referring to claim 7, Mansbery discloses that said Proxy Browser selects a digital recipe file from an Internet server to download to said home electronic appliance, where said home electronic appliance is an oven, and said oven is configured with baking instructions from said digital recipe file (col. 9, line 15 to col. 10, line 7).

9. Claims 12-14, and 18 are rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansbury in view of Lowery (USPN 6,446,111).

11. Mansbury discloses a system for proxy browsing as stated in the claims above. Mansbury further discloses that the Proxy Browser Internet interface program integrated with an Internet browser is an applet in a web page displayed to a browser using the

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Java Virtual Machine (i.e. "Java enabled web browser") (col. 4, lines 32-48). Lowery discloses that Java applets and browser plug-ins require the same resource requirements and provide the same functionality. It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Lowery with Mansbury for increased transmission efficiency and bandwidth utilization as stated in Lowery (col. 3, lines 10-25).

Claims 8-10, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansbury in view of Cuomo et al. (USPN 5,861,883) (cited by applicant in IDS) (hereinafter Cuomo).

12. Referring to claim 8, Mansbury discloses a system for proxy browsing the Internet as stated in the claims above. Mansbury does not disclose selecting a digital music file from an Internet server and said music file is downloaded and played on a said digital speakers linked to the Internet. Cuomo discloses another system for proxy browsing the Internet which discloses selecting a digital music file from an Internet server and said music file is downloaded and played on a said digital speakers linked to the internet (col. 5, lines 35-47). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Mansbury with Cuomo to ensure a master computer is appropriately synchronized with following client computers as stated in Cuomo (col. 5, lines 47-55).

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13. Referring to claim 9, Mansbury discloses a system for proxy browsing the Internet as stated in the claims above. Mansbury does not disclose selecting an Internet Web page, and said Web page is downloaded into an Internet Browser on said second client computer. Cuomo discloses selecting an Internet Web page, and said Web page is downloaded into an Internet Browser on said second client computer (col. 5, lines 35-47). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Mansbury with Cuomo to ensure a master computer is appropriately synchronized with following client computers as stated in Cuomo (col. 5, lines 47-55).

14. Referring to claim 10, Mansbury discloses a system for proxy browsing the Internet as stated in the claims above. Mansbury does not disclose selecting a digital video file from an Internet server, and said digital video file is played on said digital video player linked to the Internet. Cuomo discloses selecting a digital video file from an Internet server, and said digital video file is played on said digital video player linked to the Internet (col. 1, lines 25-42; col. 5, lines 35-47). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Mansbury with Cuomo to ensure a master computer is appropriately synchronized with following client computers as stated in Cuomo (col. 5, lines 47-55).

15. Claims 15-17 are rejected for similar reasons as stated above.

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Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansbery in view of Cuomo as applied to claims 1, and 6 above, and further in view of Gabai et al. (USPN 6,368,177) (hereinafter Gabai).

16. Mansbery in view of Cuomo discloses a system for proxy browsing the Internet as stated in the claims above. Mansbery in view of Cuomo do not disclose selecting a digital game configuration file from an Internet server, and said digital configuration game file is downloaded to a game or toy that is linked to the Internet, and said game file reconfigures said game or toy to provide new scenarios and strategies for entertainment. Gabai discloses selecting a digital game configuration file from an Internet server, and said digital configuration game file is downloaded to a game or toy that is linked to the Internet, and said game file reconfigures said game or toy to provide new scenarios and strategies for entertainment (col. 51, lines 20-30; Figure 33 and relevant portions of the disclosure). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Gabai with Mansbery and Cuomo to provide messages to the user which can be used for effecting sales over the Internet as stated in Gabai (col. 2, lines 35-40).

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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18. Vasell et al. (USPN 6,496,575) discloses application and communication platform for connectivity-based services.
19. Emmott et al. (EP 0 965 934) discloses data management and communication system for a domestic environment.
20. Koether (USPN 5,875,430) discloses a smart commercial kitchen network.
21. Boyle et al. (USPN 6,119,167) discloses pushing and pulling data in networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA  
July 17, 2003

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100